

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

\$32,156.00 in United States Currency,

Defendant.

Civil Action No.: 5:19-CV-1367 (LEK/ATB)

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned asset (the “defendant currency”) and alleges as follows:

NATURE OF THE ACTION

This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6) and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant currency as money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate a violation of 21 U.S.C. §§ 841, 844 and 846.

THE PARTIES

- 1) Plaintiff is the United State of America.
- 2) The defendant currency is \$32,156.00, which is in the custody of the United States.

JURISDICTION AND VENUE

- 3) This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.
- 4) This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b).

- 5) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

FACTS

6) On May 24, 2019, Christopher Ingram (“Ingram”) presented a black, “Under Armor” brand backpack at the Transportation Security Administration (“TSA”) pre-boarding security checkpoint at the Syracuse International Airport in Syracuse, New York as a carry-on bag.

7) As the backpack passed through the x-ray machine, TSA officers observed large, organic appearing masses, and the backpack was flagged as suspicious.

8) TSA officers searched the backpack and located a red first aid case containing a large amount of the defendant U.S. currency, which was folded and secured with black rubber bands.

9) TSA officer also found a “Cheez-It” brand cracker box wrapped in bubble wrap inside the backpack, which contained:

- a) Additional U.S. currency, folded and secured with black rubber bands;
- b) One small, clear, knotted bag filled with marijuana, which appeared in a manner that law enforcement believe is consistent with packaging for sale;
- c) Small, clear package labeled “Dank Gummies, 350mg of THC”;
- d) Small, clear plastic bag containing 21 pills of oxycodone.

10) When questioned, Ingram told police that he was traveling from his home in Seneca Falls, New York to Santa Anna, California for three (3) days for the purpose of investing his money in rap music. He claimed that the money in the backpack was his, which he obtained working various jobs over the years.

11) Ingram was unable to give police an explanation for the manner in which the currency was packaged or why he was transporting illegal narcotics.

12) A canine properly trained in narcotics detection positively alerted to the currency seized from the backpack, indicating the presence of narcotics on the currency.

13) On May 24, 2019 (the day of the seizure), Ingram was arrested and charged in Syracuse City Court with Criminal Possession of a Controlled Substance in the 3rd Degree, Criminal Possession of a Controlled Substance in the 7th Degree and Unlawful Possession of Marijuana. Ingram pled to Criminal Possession of a Controlled Substance in the 7th degree and received a sentence of a conditional discharge.

14) At the time of his arrest, Ingram had two cellular phones on his person: a Samsung smart phone and an Alcatel flip phone, which were seized by Syracuse Police Department (“SPD”).

15) On June 4, 2019, SPD officers applied for and were granted search warrants for both cell phones from Judge James Cecile, Syracuse City Court.

16) A forensic examination of the phones subsequently revealed Ingram utilized his mobile phones to arrange drug transactions, involving marijuana, oxycodone, and hallucinogenic mushrooms.

17) Data extracted from Ingram’s seized Alcatel flip phone revealed the following pertinent text message exchanges, including, but not limited to:

Incoming (from 315-830-__56 to Ingram’s phone):

“Yo that’s 12.8”

“I send you a pic just so u know it was 12.73”

[Incoming photo of green/brown plantlike material on digital scale]

Ingram:

“I got you wit two grams”

“Scale must have been off”

Incoming:

“Can u do an o for 150”

Ingram:
"ya"

Incoming (from 315-484- 52 to Ingram's phone):
"I wish the weed man was up"

Ingram:
"Up"

Incoming (from 585-978- 37 to Ingram's phone):
"How much u let me get a half for"

Ingram:
"Got some low low for 50"

Ingram (outgoing to 585-532- 56):
"I got higher grade but it cost Moore wanted to start you off making cash"

Incoming:
"How much you do a eighth for of this? Ya dimes 1.2"

Ingram:
"Still 3.5"

Incoming (from 585-623- 87 to Ingram's phone):
"How much for the half p brody"

Ingram:
"850"

Incoming:
"What about a p"

Ingram:
"17"

Incoming (from 315-719- 40 to Ingram's phone):
"Let me get the 3 of truffle and 1 of other shit"

Ingram:
"bra I have you two oz of truffle"

18) Data extracted from Ingram's seized Samsung cellular smart phone revealed the following pertinent text message exchange from May 24, 2019:

Incoming (from 315-759-__55 to Ingram's phone):

"Yooo"

Ingram:

"Leaving on plane in 45 you need"

Incoming:

"Yeah bro"

"Yo you got some gas bro"

Ingram:

"Coke to back door 55"

19) Both the frequency of the cellular text messages and the prices discussed in the messages were indicative to trained law enforcement that Ingram was involved in mid to high level sales of illegal narcotics.

20) On February 15, 2019, Ingram was arrested after a traffic stop in the Town of Waterloo and charged with Criminal Possession of Marijuana in the 4th degree and Criminal Possession of a Controlled Substance in the 7th degree. Ingram received a conditional discharge.

21) At the time of the traffic stop, Ingram was found to be in possession of a clear plastic bag containing approximately 3.25 ounces of marijuana located on the front passenger side floor, two unlabeled pill bottles containing Oxycodone located in the center console of the vehicle, and a clear plastic bag containing Oxycodone located in the glove box of the vehicle.

22) On June 4, 2019, Ingram was arrested and charged by Seneca Falls Town Court with Criminal Possession of Marijuana 5th degree and Unlawful Possession of Marijuana. The disposition of this matter is unknown.

23) On October 14, 2019, Ingram was arrested and charged by the Ontario County Sheriff's Office and charged with Attempted Criminal Possession of Marijuana in the 2nd degree for purchasing marijuana from an undercover police officer.

24) Upon information and belief, Ingram was unemployed at the time of the incident

which led to the seizure of the defendant currency at the airport.

25) On August 12, 2019, Ingram filed an administrative claim to the defendant currency with the Drug Enforcement Administration. In his claim, Ingram stated that the defendant currency was his life savings.

CONCLUSION

26) As required by Supplemental Rule G(2)(f), the facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, probable cause exists to believe that the defendant currency is money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate a violation of 21 U.S.C. §§ 841, 844 and 846.

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- a) Issue a warrant of arrest *in rem*, in the form submitted with this complaint;
- b) Direct any person having any claim to the defendant currency to file and serve their verified claims and answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;
- c) Enter judgment declaring the defendant currency to be forfeited and condemned to the use and benefit of the United States; and
- d) Award such other and further relief to the United States as it deems proper and just.

Dated: November 5, 2019

Respectfully Submitted,

GRANT C. JAQUITH
United States Attorney

By:

/s/ Mary E. Langan

Mary E. Langan
Assistant United States Attorney
Bar Roll No. 518971

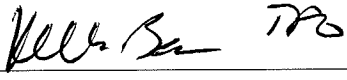
VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ONONDAGA)

Kelly Baart, being duly sworn, deposes and states:

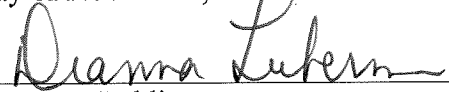
I am a [Task Force Agent with the Drug Enforcement Administration]. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers

Dated this 5th day of November, 2019.



[Kelly Baart, Task Force Agent |
Drug Enforcement Administration |

Sworn to and subscribed before me this 5th day of November, 2019.



Notary Public

DEANNA LIEBERMAN
Notary Public, State of New York
No. 01LI6105102
Qualified in WAYNE County
Commission Expires FEBRUARY 2, 2020

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Onondaga
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Mary E. Langan, Assistant U.S. Attorney (315) 448-0650
United States Attorney's Office, 100 South Clinton Street
Syracuse, New York 13261

DEFENDANTS

\$32,156.00 in United States Currency,

County of Residence of First Listed Defendant Onondaga
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21USC 881

Brief description of cause:

Seizure of money related to drug proceeds and facilitation

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/05/2019

s/Mary E. Langan

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RECEIPT # _____ AMOUNT Waived APPLYING IFP _____ JUDGE LEK MAG. JUDGE ATB

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